

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**PROGRESSIVE GULF
INSURANCE COMPANY**

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:05CV39-P-B

**TALLAHA LOGGERS, INC.,
CLIFTON E. LADD, JR., AND
M & m TRUCKING of Ashley County, LLC.,**

DEFENDANTS

ORDER

Upon consideration of the file and record of this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated March 10, 2006, was on that date duly served by regular mail upon the plaintiff and the remaining defendants at their last known addresses, that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by any party. The Court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated March 10, 2006, is approved and adopted as the opinion of the Court;
2. That there is no coverage under the subject Progressive insurance policy (attached to the Complaint as "Exhibit B") issued to Tallaha Loggers, Inc., to any of the defendants as a result of the automobile accident that occurred on July 10, 2004, because the 1984 Peterbilt truck driven

by Clifton E. Ladd, Jr., was not listed as an insured vehicle on the policy;

3. That Progressive has no duty to defend or indemnify any of the defendants for damages arising from the accident giving rise to this action;

4. That the Clerk shall forthwith **CLOSE** this case.

THIS, the 27th day of March, 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE